

# Order

Entered: May 2, 2002

File No. 2002-07

Administrative Order 2002-3

Family Violence Indicator  
(Family Division of Circuit  
Court and Probate Court)

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## Michigan Supreme Court Lansing, Michigan

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, the need for immediate action having been found, the Court adopts the following requirements for friends of the court, to be effective upon implementation of an automated child support enforcement system within the Family Independence Agency, MCL 400.231 *et seq.*, and the availability of necessary programming. The provisions of this order will be considered further by the Court at a public hearing. Notice of future public hearings will be provided by the Court and posted at the Court's website, <http://www.courts.michigan.gov/supremecourt>.

The friends of the court shall adhere to the following rules in managing their files and records:

- (1) When the Family Violence Indicator is set in the statewide automated child support enforcement system for an individual in an action, that individual's address shall be considered confidential under MCR 3.218(A)(3)(f).
- (2) Friend of the court offices shall cause a Family Violence Indicator to be set in the statewide automated child support enforcement system on all the files and records in an action involving an individual when:
  - (a) a personal protection order has been entered protecting that individual,
  - (b) the friend of the court becomes aware of an order of any Michigan court that provides for confidentiality of the individual's address, or denies access to the individual's address,
  - (c) an individual files a sworn statement with the office setting forth specific incidents or threats of domestic violence or child abuse, or

- (d) the friend of the court becomes aware that a determination has been made in another state that a disclosure risk comparable to any of the above risk indicators exists for the individual.
- (3) When the Family Violence Indicator has been set for an individual in any action, the Family Violence Indicator shall be set in all other actions within the statewide automated child support enforcement system concerning that same individual.
- (4) When the Family Violence Indicator has been set for a custodial parent in any action, the Family Violence Indicator shall also be set for all minors for which the individual is a custodial parent. When the Family Violence Indicator has been set for any minor in an action, the Family Violence Indicator shall also be set for the minor's custodian.
- (5) The friend of the court office shall cause the Family Violence Indicator to be removed:
  - (a) by order of the circuit court,
  - (b) at the request of the protected party, when the protected party files a sworn statement with the office that the threats of violence or child abuse no longer exist, unless a protective order or other order of any Michigan court is in effect providing for confidentiality of an individual's address, or
  - (c) at the request of a state that had previously determined that a disclosure risk comparable to the risks in paragraph two existed for the individual.
- (6) When the Family Violence Indicator has been removed for an individual in any action, the Family Violence Indicator that was set automatically for other persons and cases associated with that individual shall also be removed.

Staff Comment: Administrative Order 2002-3 implements 42 USC 654(26), which precludes friends of the court from disclosing information concerning the location of a party or a child when there is evidence of domestic violence or child abuse against the party or the child, and the disclosure could be harmful to the party or the child. 45 CFR 307.11(f)(1)(x) creates a "Family Violence Indicator" to track such circumstances. The Administrative Order does not provide protection beyond requiring measures to implement restrictions on addresses and is not designed to be a substitute for statutory and injunctive measures to provide protection to victims of domestic abuse.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

A copy of this order will be given to the secretary of the State Bar and to the State Court Administrator. Comments on this order may be sent to the Supreme Court clerk in writing or electronically by *August 1, 2002*. Clerk, P.O. Box 30052, Lansing, MI 48909, or MSC\_clerk@jud.state.mi.us. When filing a comment, please refer to File No. 2002-07.